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**UNITED STATES DISTRICT COURT**

**NORTHERN DISTRICT OF CALIFORNIA, SAN JOSE DIVISION**

CISCO SYSTEMS, INC.,

Plaintiff,

vs.

ARISTA NETWORKS, INC.,

Defendant.

CASE NO. 5:14-cv-5344-BLF (PSG)

**NEUKOM DECLARATION IN SUPPORT  
OF CISCO SYSTEMS, INC.'S  
OPPOSITION TO MOTION TO COMPEL**

Date: July 13, 2016  
Time: 1:00 p.m.  
Dept.: Courtroom 7, 4th Floor  
Judge: Hon. Nathanael Cousins

1 I, John M. Neukom, hereby declare:

2 1. I am an attorney licensed to practice in the State of California. I am a partner with  
3 Quinn Emanuel Urquhart & Sullivan LLP. I am counsel of record for Cisco in this case. I am over  
4 the age of 18. I make this declaration based on my personal knowledge.

5 2. Arista has already served opening expert reports on liability issues in this case. One  
6 of those reports is from Cate Elsten. That report is marked “Confidential” and “Attorney’s Eyes  
7 Only” under the Protective Order from this case. In that report, however, Ms. Elsten presents  
8 calculations or estimates of the size of Cisco’s copyrighted materials relative to the amount of  
9 material that Cisco alleges Arista copied. By relying on Cisco documentation, Ms. Elsten presents  
10 numerical figures for the amount of “commands” present in Cisco’s IOS, compares that to the  
11 amount of commands that Arista is accused of infringing, and presents a percentage value—to  
12 represent her opinion of what portion or percentage of Cisco’s IOS is present in Arista’s EOS.

13 3. Attached as **Exhibits 1, 2 and 3** are exhibits to Cisco’s supplemented answers to  
14 Arista’s interrogatory No. 2—showing (*inter alia*) the overlap between Cisco’s registered and  
15 copyrighted materials and Arista’s products and product documentation.

16  
17 Executed June 16, 2016, at San Francisco, California.

18 I declare under penalty of perjury under the laws of the United States of America that the  
19 foregoing is true and correct.

20  
21 /s/ John M. Neukom

22 John M. Neukom  
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